



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 21, 2023

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BY ECF and Email

Honorable Mary K. Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: *United States v. Rico Gonzalez*, 23 Cr. 1 (MKV)

Dear Judge Vyskocil:

The Government respectfully submits this letter motion to request a short extension of the current filing deadlines with respect to the defense's amended motion to dismiss in the above-captioned case.

On January 12, 2023, a grand jury sitting in this District returned an indictment charging the defendant with a violation of Title 18, United States Code, Section 922(g)(1). (Dkt. 2.) On August 18, 2023, the defense filed a motion to dismiss the indictment. (Dkt. 16.) On August 22, 2023, the grand jury returned a superseding indictment charging the defendant with violations of Title 18, United States Code, Sections 922(g)(1) and 924(c)(1)(A)(i), and Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(c). (Dkt. 20.) On August 31, 2023, the Court granted a defense request seeking leave to file an amended motion to dismiss based on the filing of the superseding indictment. (Dkt. 24.)

On September 15, 2023, the defense filed an amended motion to dismiss with respect to the superseding indictment, which includes a motion to dismiss the violation of Title 18, United States Code, Section 924(c) charged in Count Three. The motion to dismiss Count Three is based on the reasoning set forth in the Supreme Court's recent decision in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111, 2122 (2022). The Government opposition to the amended motion is currently due October 6, 2023. This is a matter of first impression in this District. Accordingly, the Government respectfully requests a short adjournment of filing deadlines in order to fully respond to the defense motion. With consent of defense counsel, the Government proposes the below timeline:

October 13, 2023: Government Opposition Brief Due
October 27, 2023: Defense Reply Brief Due

This is the Government's first request for an extension. Defense counsel consents to the Government's request.

Time is currently excluded under the Speedy Trial Act until the next scheduled conference on November 6, 2023. (Dkt. 12.) Should the Court grant this application, there would be no impact on the status of the clock under the Speedy Trial Act.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: *Ashley C. Nicolas*
Ashley C. Nicolas/Jun Xiang
Assistant United States Attorney

cc: Zawadi Baharanyi, Esq. (by email)

Granted. SO ORDERED.

Date: 9/21/2023
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge